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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,459	12/14/2000	Robert M. Brody	42364/207149	1914
23370	7590	10/19/2005		
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER KARMIS, STEFANOS	
			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/737,459	Applicant(s) BRODY ET AL.	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. The following communication is in response to Applicant's election of claims filed 28 July 2005.

### ***Status of Claims***

2. Claims 1-22 are currently amended. Therefore claims 1-22 are currently pending.

### ***Response to Arguments***

3. Applicant's arguments, filed 28 July 2005, with respect to the rejection(s) of claim(s) 1-22 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

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international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 7-11 and 15-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Lent et al. (hereinafter Lent) U.S. Patent 6,405,181.

Regarding independent claim 7, Lent discloses a method of providing one or more pre-approved offers to a consumer based on credit-related information of the consumer, comprising: creating an account with the consumer (Abstract); transmitting to a credit bureau an inquiry for credit history data relating to the consumer (column 3, line 54 thru column 4, line 17); receiving credit history data on the consumer in response to the inquiry (column 13, lines 28-60); and selecting a pre-approved offer from a plurality of offers from multiple merchants based at least partially on the credit history data of the consumer (column 13, lines 13-20 and column 15, lines 66 thru column 16, lines 14).

Claim 8, presenting the offer to the consumer, wherein the offer is for establishing a credit-based account with a merchant (column 13, lines 47-60).

Claim 9, wherein presenting the offer includes displaying a selectable item on a webpage viewable by a web browser interface (column 15, lines 41-52).

Claim 10, wherein identifying the pre-approved offer includes: receiving an offer from a merchant with merchant define criteria for selection of a suitable consumer; and selecting the offer based at least partially on the criteria provided by the merchant (column 15, lines 53-65, column 13, lines 21-60 and column 14, lines 16-34).

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Claim 11, the pre-approved offer is anonymously pre-approved based on a comparison of the credit history data of the consumer and the criteria provided by the merchant (column 16, lines 16-32).

Claim 15, wherein selecting the pre-approved offer includes determining a financial term of the pre-approved offer based at least partially on the credit history data of the consumer (column 13, lines 20-60).

Claim 16, further comprising selecting a plurality of pre-approved offers for the consumer based at least partially on the credit history data of the consumer and a subject preference provided by the consumer (column 13, line 65 thru column 14, line 17).

Regarding independent claim 17, Lent discloses a method for presenting pre-approved offers to a consumer, comprising: receiving consumer data records from a plurality of databases (column 3, line 54 thru column 4, line 17); selecting for the consumer at least one pre-approved offer based on at least one consumer data record associated with the consumer (column 13, lines 13-45); and sending a web-based representation of the pre-approved offer to the consumer (column 15, lines 41-52).

Claim 18, wherein receiving the consumer data record includes receiving at least one of credit history report associated with the consumer and at least one consumer data record associated with the consumer (column 13, lines 20-60).

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Claim 19, wherein selecting the pre-approved offer includes selecting the pre-approved offer based at least partially on the credit history record (column 13, lines 20-60).

Claim 20, receiving an offer acceptance indication from the consumer in response to the representation of the pre-approved offer (column 15, lines 66 thru column 16, lines 14).

Claim 21, selecting the pre-approved offer includes determining a financial term of the pre-approved offer (column 14, lines 16-34).

Claim 22, selecting the pre-approved offer includes comparing at least one consumer data record with modeling criteria provided by the merchant (column 14, lines 16-34).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lent et al. (hereinafter Lent) U.S. Patent 6,405,181 in view of Origination News article, "ACI turns credit score reports into English" (hereinafter ON).

Regarding claim 1, Lent teaches a method for providing a consumer with personalized credit-related information based on credit history data of the consumer, comprising: creating an account associated with the consumer (column 3, lines 54-67 and column 13, lines 13-60); electronically receiving a request from the consumer for personalized credit-related information (column 3, lines 54-67 and Abstract); transmitting to a credit bureau, in response to the request from the consumer, an inquiry for credit history data relating to the consumer (column 4, lines 1-17); receiving credit history data on the consumer in response to the inquiry (column 13, lines 20-60), generating a summary report of personalized credit-related information based on the credit history data (column 13, lines 5-12), the summary report including a credit score and an

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explanatory statement of why credit was rejected and transmitting it to the consumer (column 13, lines 5-12).

Lent fails to teach suggesting steps to improve the credit score (column 11, line 45 thru column 12, line 18). ON teaches a credit company that offers the "Credit Score Interpreter" an add-on to a report that tells why the customer has the score they received and what steps can be taken to improve it (page 1). ON fails to teach that this is specifically transmitted to the customer. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Lent and include providing suggestions to improve credit scores because Lent already teaches providing the reason why credit was rejected to the customer. Therefore these reasons taught by Lent are the elements that a customer would need to improve in order to obtain the credit.

Claim 2, wherein creating an account includes establishing an agent relationship with the consumer (column 3, lines 54-67 and column 13, lines 13-60).

Claim 3, transmitting an inquiry includes transmitting a Fair Credit Reporting Act Consumer Inquiry for the consumer to the credit bureau (column 4, lines 18-37).

Claim 4, wherein generating the summary report includes generating the credit score based on the credit history data (column 13, lines 28-46).

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Claim 5, receiving consumer-related records from a plurality of databases on one or more networks, and wherein generating the credit score includes generating the credit score based on the credit history data and at least one of the consumer-related records which is associated with the consumer (column 13, lines 28-46).

Claim 6, wherein receiving the request of the consumer includes authenticating the consumer (column 4, lines 1-17).

10. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lent et al. (hereinafter Lent) U.S. Patent 6,405,181.

Regarding claims 12-14, Lent teaches providing application data for a pre-approved offer (column 5, lines 1-15). Lent also teaches checking account for delinquencies (column 10, lines 59-67). Lent fails to teach receiving preference criteria and pre-approving the offer based on preference criteria or market activity. Official Notice is taken that multiple financial factors can be taken into consideration for pre-approving a credit offer. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Lent and include these factors because they relate to the financial history and financial capabilities of a consumer and thus influences the ability to extend credit.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
14 October 2005

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
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